

### **REMARKS**

Claims 1-5, 9, 11, 13, 15-17, 21-25, 29, 31, 33, 35-37 and 41 are pending in the present application. Claims 1, 21 and 41 are independent. By this reply, claims 6-8, 10, 12, 14, 18-20, 26-28, 30, 32, 34, 38-40 and 42 have been cancelled. Applicants have cancelled some of these claims directed to different embodiments of the present invention, and reserve the right to file continuation and/or divisional applications directed thereto, without prejudice and disclaimer thereof.

### **Interview Request**

Applicants hereby officially request a personal interview with the Examiner to discuss the present Office Action and Applicants' response. The Examiner is respectfully requested to contact Applicants' representative, Esther H. Chong, at (703) 205-8000 to schedule this interview.

### **35 U.S.C. § 102(b) Rejection**

Claims 1-16, 18, 20-36, 38 and 40-42 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Fukushima et al. (U.S. Patent No. 5,111,444). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Fukushima et al. is directed to a method and apparatus for managing defective sectors in a write once optical disk. As shown in Figure 1 of Fukushima et al. the disk includes Partitions a, b and c, wherein each of the Partitions a and b includes a primary defect list area (Da and Db) and a primary spare area (Sa and Sb) that are separately and independently allocated in the volume area.

In clear contrast, in Applicants' embodied invention, a defect list (DFL) area (defect management area) is allocated within the spare area of the data area of the recording medium. For example, as shown in Figure 8, the outer spare area OSA 35 includes both a replacement area for storing data of the defective area and a defect management area for storing a defect list

(DFL) corresponding to the different recordings 1, 2, etc. This is advantageous since having the DFLs within one area of the OSA 35 and having the replacement area also within the OSA 35 expedite the process of locating desired replacement areas using the DDS and DFLs.

Therefore, Fukushima et al. fails to anticipate, *inter alia* “the at least one defect management area on the recording medium is part of the at least one spare area within the data area of the recording medium” as recited in independent claims 1 and 41 and “each of the at least one spare area including a replacement area and a defect management area” as recited in independent claim 21.

In the alternative, claims 9, 13, 29 and 33 directed to, for example, Figures 10A-10C recite patentably distinguishable features over Fukushima et al. As an example, in Applicants’ Figures 10A-10C, cumulative defect lists are recorded so as to minimize the occurrence of reproduction errors which may be caused due to a damage to one defect list. For example, as shown in Figure 10A, a third DFL area 39 includes DFLs #1, #2 and #3 so as to provide a present defect list and any previous defect list. In the Office Action, the Examiner alleges that column 7, lines 56-67 of Fukushima et al. teach these features recited in claims 9, 13, 29 and 33. However, this portion of Fukushima et al. is directed to determining the size (capacity) of each primary defect list area and has nothing to do with providing cumulative defect lists. Therefore, these claimed features are completely absent from Fukushima et al.

Accordingly, independent claims 1, 21 and 41 and their dependent claims (due to their dependency) are patentable over the applied reference, and reconsideration and withdrawal of the rejection are respectfully requested.

### **35 U.S.C. § 103 Rejection**

Claims 17, 19, 37 and 39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukushima et al. as applied to the claims above and further in view of Brommer et al. (U.S. Patent No. 6,826,140). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As discussed above, Fukushima et al. fails to teach or suggest at least the above-noted features recited in independent claims 1 and 21 from which claims 17 and 37 depend, respectively. Claims 19 and 39 have been cancelled. Furthermore, Brommer et al. does not overcome these deficiencies of Fukushima et al. since Brommer et al. is directed to a technique for digital storage media using multi-user detection to separate tracks of data and merely mentions the existence of Blu-ray disks, which is the part relied on by the Examiner to reject dependent claims.

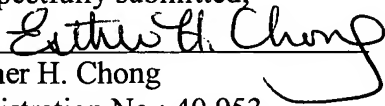
Therefore, even if the references were combinable, assuming *arguendo*, the combination would still fail to teach or suggest at least the above-noted features recited in independent claims 1 and 21 and their dependent claims (due to their dependency). Accordingly, the rejection is improper and should be withdrawn.

### Conclusion

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the objections and rejections of record, and an early issuance of a Notice of Allowance is respectfully requested.

Should there be any matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below.

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Respectfully submitted,  
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